

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306112 .....	16 U.S.C. 470h-2(j).	Pub. L. 89-665, title I, §110(j), as added Pub. L. 96-515, title II, §206, Dec. 12, 1980, 94 Stat. 2997.

**§ 306113. Anticipatory demolition**

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of section 306108 of this title, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3227.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306113 .....	16 U.S.C. 470h-2(k).	Pub. L. 89-665, title I, §110(k), as added Pub. L. 102-575, title XL, §4012(3), Oct. 30, 1992, 106 Stat. 4760.

**§ 306114. Documentation of decisions respecting undertakings**

With respect to any undertaking subject to section 306108 of this title that adversely affects any historic property for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of the agency shall document any decision made pursuant to section 306108 of this title. The head of the agency may not delegate the responsibility to document a decision pursuant to this section. Where an agreement pursuant to regulations issued by the Council has been executed with respect to an undertaking, the agreement shall govern the undertaking and all of its parts.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3228.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306114 .....	16 U.S.C. 470h-2(l).	Pub. L. 89-665, title I, §110(l), as added Pub. L. 102-575, title XL, §4012(3), Oct. 30, 1992, 106 Stat. 4761; Pub. L. 106-208, §5(a)(8), May 26, 2000, 114 Stat. 319.

The words “historic property” are substituted for “property included in or eligible for inclusion in the National Register” because of the definition of “historic property” in section 300308 of the new title. The words “to document a decision pursuant to this section” are substituted for “pursuant to such section” for clarity. The language was not intended to limit agency authority to delegate responsibilities under section 106 of the National Historic Preservation Act (Public Law 89-665, 80 Stat. 917). The words “agreement pursuant to regulations issued by the Council” are substituted for “a section 106 memorandum”, and the word “agreement” is substituted for “memorandum”, for clarity and for consistency in the new section.

## SUBCHAPTER II—LEASE, EXCHANGE, OR MANAGEMENT OF HISTORIC PROPERTY

**§ 306121. Lease or exchange**

(a) **AUTHORITY TO LEASE OR EXCHANGE.**—Notwithstanding any other provision of law, each Federal agency, after consultation with the Council—

(1) shall, to the extent practicable, establish and implement alternatives (including adaptive use) for historic property that is not needed for current or projected agency purposes; and

(2) may lease historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately ensure the preservation of the historic property.

(b) **PROCEEDS OF LEASE.**—Notwithstanding any other provision of law, the proceeds of a lease under subsection (a) may be retained by the agency entering into the lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to that property or other property that is on the National Register that is owned by, or are under the jurisdiction or control of, the agency. Any surplus proceeds from the leases shall be deposited in the Treasury at the end of the 2d fiscal year following the fiscal year in which the proceeds are received.

(Pub. L. 113-287, §3, Dec. 19, 2014, 128 Stat. 3228.)

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<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
306121(a) .....	16 U.S.C. 470h-3(a).	Pub. L. 89-665, title I, §111(a), as added Pub. L. 96-515, title II, §207, Dec. 12, 1980, 94 Stat. 2997; Pub. L. 102-575, title XL, §4013, Oct. 30, 1992, 106 Stat. 4761.
306121(b) .....	16 U.S.C. 470h-3(b).	Pub. L. 89-665, title I, §111(b), as added Pub. L. 96-515, title II, §207, Dec. 12, 1980, 94 Stat. 2997.

**Statutory Notes and Related Subsidiaries****HISTORIC LEASE PROCESS SIMPLIFICATION**

Pub. L. 105-391, title VIII, §802(b), Nov. 13, 1998, 112 Stat. 3523, provided that: “The Secretary is directed to simplify, to the maximum extent possible, the leasing process for historic properties with the goal of leasing available structures in a timely manner.”

[For “Secretary” as used in section 802(b) of Pub. L. 105-391, set out above, as meaning the Secretary of the Interior, see section 2 of Pub. L. 105-391, Nov. 13, 1998, 112 Stat. 3498, which was classified to section 5901 of Title 16, Conservation, prior to repeal by Pub. L. 113-287.]

**§ 306122. Contracts for management of historic property**

The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Council, enter into a contract for the management of the property. The contract shall contain terms and conditions that the head of the agency considers necessary or appropriate to protect the